

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1190-AIR-E **TCEQ ID:** RN102615465 **CASE NO.:** 34368
RESPONDENT NAME: Enterprise Products Operating LLC

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Lively Compressor Station, located ten miles south of Sonora on Highway 277, right on Lively Field Road, Sonora, Sutton County</p> <p>TYPE OF OPERATION: Natural gas compression station</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 3, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, (361) 825-3126, MC R14; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Mary Beth Hebert, Manager, Environmental Administration, Enterprise Products Operating LLC, P.O. Box 708, Sonora, Tx 77210 Mr. Leonard Mallett, Senior Vice President, EHS&T, Enterprise Products Operating LLC, P.O. Box 708, Sonora, TX 77210 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 22, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 6, 2007 (NOE)</p> <p>Background Facts: This was a routine records review investigation. Two violations were documented.</p> <p>AIR</p> <p>1) Failure to prevent an unauthorized emissions event that occurred January 15-16, 2007, as documented during a record review conducted on June 22, 2007. Specifically, approximately 19,070.56 pounds of natural gas were released from Tank 2 during the 13 hour 45 minute event. These emissions are not authorized from this tank. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>2) Failure to notify the Commission of a reportable emissions event within 24 hours of discovery, as documented during a record review conducted on June 22, 2007. Specifically, the January 15-16, 2007 event was not reported until the Annual Compliance Certification form was submitted on June 18, 2007 [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$5,916</p> <p>Total Deferred: \$1,183 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,733</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, investigate the cause of the January 15-16, 2007 event and implement procedures to minimize and/or avoid the reoccurrence of similar emission events;</p> <p>b. Within 30 days after the effective date of this Agreed Order, complete entry of the January 15-16, 2007 event into the STEERS system and implement procedures to ensure timely notification of future emission events; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): SQ0053P



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	3-Aug-2007	EPA Due	
	PCW	10-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN102615465		
Facility/Site Region	8-San Angelo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34368	No. of Violations	2
Docket No.	2007-1190-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$5,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 16% Enhancement Subtotals 2, 3, & 7 **\$816**

Notes

The Respondent has received one 1660 Order and has submitted two NOIs with one associated DOV.

Culpability

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts **\$141**
Approx. Cost of Compliance **\$2,500**

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$5,916**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$5,916**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$5,916**

DEFERRAL

20%

Reduction

Adjustment **-\$1,183**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,733

Screening Date 3-Aug-2007

Docket No. 2007-1190-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 34368

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102615465

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 16%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has received one 1660 Order and has submitted two NOIs with one associated DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 16%

Screening Date 3-Aug-2007		Docket No. 2007-1190-AIR-E		PCW	
Respondent Enterprise Products Operating LLC		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34368		<i>PCW Revision May 25, 2007</i>			
Reg. Ent. Reference No. RN102615465					
Media [Statute] Air					
Enf. Coordinator Audra L. Ruble					
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)</div>			
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to prevent an unauthorized emissions event that occurred January 15-16, 2007, as documented during a record review conducted on June 22, 2007. Specifically, approximately 19,070.56 pounds of natural gas were released from Tank 2 during the 13 hour 45 minute event. These emissions are not authorized from this tank. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).</div>			
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		Percent
		Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; padding: 2px;"></div>	x	<div style="border: 1px solid black; padding: 2px;"></div>	
	Potential	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	0%
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">The emissions event resulted in the discharge of a significant amount of pollutants which do not exceed levels protective of human health and/or the environment.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>
					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>
Violation Events					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		
		<div style="border: 1px solid black; padding: 2px;">1</div>			
mark only one with an x	daily	<div style="border: 1px solid black; padding: 2px;"></div>	Violation Base Penalty		
	monthly	<div style="border: 1px solid black; padding: 2px;"></div>			
	quarterly	<div style="border: 1px solid black; padding: 2px;"></div>			
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>			
	annual	<div style="border: 1px solid black; padding: 2px;"></div>			
	single event	x	<div style="border: 1px solid black; padding: 2px;">\$5,000</div>		
<div style="border: 1px solid black; padding: 10px; text-align: center;">One single event is recommended.</div>					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$84</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$5,800</div>
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$5,800</div>

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 34368
Reg. Ent. Reference No. RN102615465
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Jan-2007	1-Mar-2008	1.1	\$84	n/a	\$84

Notes for DELAYED costs

Estimated cost to conduct an investigation as to the cause of valve malfunction. Date required is the date the emission event started and Final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$84

Screening Date 3-Aug-2007

Docket No. 2007-1190-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 34368

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102615465

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to notify the Commission of a reportable emissions event within 24 hours of discovery, as documented during a record review conducted on June 22, 2007. Specifically, the January 15-16, 2007 event was not reported until the Annual Compliance Certification form was submitted on June 18, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1%

Matrix Notes

Less than 30% of the requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$116

This violation Final Assessed Penalty (adjusted for limits) \$116

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 34368
Reg. Ent. Reference No. RN102615465
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	15-Jan-2007	1-Mar-2008	1.1	\$56	n/a	\$56
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide notification within the required 24 hour period. Date required is the date the event started and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$56

Compliance History

Customer/Respondent/Owner-Operator:	CN603211277	Enterprise Products Operating LLC	Classification: AVERAGE	Rating: 3.22
Regulated Entity:	RN102615465	LIVELY COMPRESSOR STN	Classification: AVERAGE	Site Rating: 5.50
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	36662	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SQ0053P	
	AIR NEW SOURCE PERMITS	AFS NUM	4843500019	
	AIR OPERATING PERMITS	PERMIT	893	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	SQ0053P	
Location:	Ten miles south of Sonora on Highway 277, right on Lively Field Rd., SONORA, TX, 76950		Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	July 24, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 24, 2002 to July 24, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? Yes
- If Yes, who is the current owner? Enterprise Products Operating LLC
- If Yes, who was/were the prior owner(s)? GulfTerra Texas Pipeline, L.P.
El Paso Field Services Management, Inc.
- When did the change(s) in ownership occur? 01/01/2003
09/30/2004

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/21/2003 ADMINORDER 2002-1184-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter F 122.504(a)(4)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit updated general operating permit application.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/01/2002 (140496)
2 08/25/2003 (152198)
3 07/14/2004 (279946)
4 07/12/2005 (399534)
5 06/29/2006 (482119)
6 07/06/2007 (564353)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

- F. Environmental audits.

Notice of Intent Date: 10/01/2004 (347534)
No DOV Associated
Notice of Intent Date: 06/15/2005 (379056)
Disclosure Date: 08/12/2005

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B

Description: Failure to comply with regulations regarding representations for applicable requirements, emissions, production or operational limits, monitoring and reporting in an existing Title V Operating Permit.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B

Description: Failure to obtain a permit for VOC emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to submit a complete and accurate emissions inventory to include flash gas.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102615465**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1190-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("Enterprise Products") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Enterprise Products appear before the Commission and together stipulate that:

1. Enterprise Products owns and operates a natural gas compression station located ten miles south of Sonora on Highway 277, right on Lively Field Road, Sutton County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Enterprise Products agree that the Commission has jurisdiction to enter this Agreed Order, and that Enterprise Products is subject to the Commission's jurisdiction.
4. Enterprise Products received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Enterprise Products of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Nine Hundred Sixteen Dollars (\$5,916) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Enterprise Products has paid Four Thousand Seven Hundred Thirty-Three

Dollars (\$4,733) of the administrative penalty and One Thousand One Hundred Eighty-Three Dollars (\$1,183) is deferred contingent upon Enterprise Products' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Enterprise Products fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Enterprise Products to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Enterprise Products have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Enterprise Products has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Enterprise Products is alleged to have:

1. Failed to prevent an unauthorized emissions event that occurred January 15-16, 2007, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during a record review conducted on June 22, 2007. Specifically, approximately 19,070.56 pounds of natural gas were released from Tank 2 during the 13 hour 45 minute event. These emissions are not authorized from this tank. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
2. Failed to notify the Commission of a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 22, 2007. Specifically, the January 15-16, 2007 event was not reported until the Annual Compliance Certification form was submitted on June 18, 2007.

III. DENIALS

Enterprise Products generally denies each allegation in Section II ("Allegations").

the first of these is the fact that the
the second is the fact that the
the third is the fact that the

the fourth is the fact that the
the fifth is the fact that the
the sixth is the fact that the

the seventh is the fact that the
the eighth is the fact that the
the ninth is the fact that the

the tenth is the fact that the
the eleventh is the fact that the
the twelfth is the fact that the

the thirteenth is the fact that the
the fourteenth is the fact that the
the fifteenth is the fact that the

the sixteenth is the fact that the
the seventeenth is the fact that the
the eighteenth is the fact that the

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Enterprise Products pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Enterprise Products' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2007-1190-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Enterprise Products shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, investigate the cause of the January 15-16, 2007 event and implement procedures to minimize and/or avoid the reoccurrence of similar emission events;
 - b. Within 30 days after the effective date of this Agreed Order, complete entry of the January 15-16, 2007 event into the STEERS system and implement procedures to ensure timely notification of future emission events; and
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. and b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon Enterprise Products. Enterprise Products is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Enterprise Products fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Enterprise Products' failure to comply is not a violation of this Agreed Order. Enterprise Products shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Enterprise Products shall notify the Executive Director within seven days after Enterprise Products becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Enterprise Products shall be made in writing to the Executive Director. Extensions are not effective until Enterprise Products receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Enterprise Products in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Enterprise Products, or three days after the date on which the Commission mails notice of the Order to Enterprise Products, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

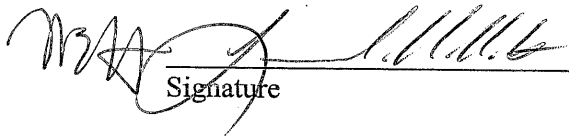
12/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-2-07
Date

Leonard Mallett

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Senior Vice President, EHS&T

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

